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United States Attorney

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3 Chief, Criminal Division

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Assistant United States Attorney

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8 Attorneys for Plaintiff

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 APPROXIMATELY \$99,900 IN UNITED
16 STATES CURRENCY,
17 Defendant.

No. C-08-01161 EDL

MOTION FOR DETERMINATION THAT
CHERUBIM HURDLE HAS FAILED TO
STATE A CLAIM TO DEFENDANT
\$99,000 IN UNITED STATES CURRENCY

OR IN THE ALTERNATIVE

MOTION TO STRIKE

The United States, by and through its undersigned counsel, hereby moves this Court¹ for a determination that the letter filed by Cherubim Hurdle (hereinafter "Hurdle") in the above-entitled action does not constitute a claim under Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (hereinafter "Supplemental Rules").²

I. BACKGROUND FACTS

This is a judicial forfeiture action, as authorized by 21 U.S.C. § 881(a)(4) and (6), involving the seizure of defendant: approximately \$99,900 in United States Currency, which was seized as money furnished or intended to be furnished by a person in exchange for a controlled substance, or money traceable to such an exchange, or money used or intended to be used to facilitate a violation of Subchapter I, Chapter 13 of Title 21 United States Code. The defendant currency was seized during the execution of a search warrant on Michael Munoz's residence. Michael Munoz and his mother, Gloria Munoz, both filed claims during the administrative forfeiture proceedings. They were represented by L. Stephen Turer, Esq. They were the only claimants to the defendant funds during the entire administrative forfeiture process.

The currency is in the custody of the United States Marshals Service.

The United States and Mr. Turer, on behalf of Michael and Gloria Munoz, conducted extensive settlement discussions prior to the filing of the civil *in rem* forfeiture complaint.

¹ At the Case Management Conference on July 22, 2008, the Court questioned whether she could rule on this motion without the written consent of Hurdle and requested briefing on this issue by July 25. To expedite this matter, the United States addresses the issue here. The United States agrees with the Magistrate Judge. Absent Hurdle's consent to the magistrate, a district judge must rule on a motion that is dispositive of a claim. F.R.Civ.P. Rules 72(b), 73(a) and (b). NDCA General Order 42 provides that civil pretrial matters that are dispositive of a claim shall not be referred to a magistrate unless the parties consent to the magistrate under Rule 73. This motion will be case dispositive, because if the claim is stricken Hurdle will no longer be in the case. The United States submits that given the Magistrate's familiarity with the case, the matter be referred to the district court only after, and based on, a report and recommendation of the Magistrate.

² The United States previously indicated it would be filing a Motion to Strike. However, on further consideration and investigation, and considering the actions taken in other jurisdictions, the United States suggests that a more expedient route to a final settlement of this case is to seek a determination that Hurdle failed to state a claim and therefore lacks standing to contest the forfeiture of defendant funds.

1 Michael Munoz and his mother, Gloria Munoz, were both served with notice of the complaint
2 through their attorney, Mr. Turer. Service was also performed by publication in newspapers and
3 on the internet. *See*, Docket #7. (Notice of the action was published via the internet at
4 www.forfeiture.gov for 30 days, beginning February 29, 2008, pursuant to Supplemental Rule
5 G(4)(a)(iv)(C) giving notice of the Government's intent to forfeit the defendant currency.) Docket 7, ll.
6 19-22. Shortly after the United States filed the civil forfeiture complaint on March 3, 2008, the parties
7 agreed to a settlement and began preparing a settlement document.

8 When the United States checked the docket sheet in preparation for filing the settlement
9 agreement, the United States discovered the letter filed by Hurdle on March 27, 2008.
10 (hereinafter "Hurdle letter") Hurdle was unknown to the United States until the United States
11 checked the docket sheet, since Hurdle had not served the United States with a copy of the letter
12 she filed with the Clerk of the Court. A copy of the Hurdle letter is attached as Exhibit A.³

13 Hurdle may have discovered the pending action through an internet search. She filed
14 letters or claims in Texas, California, Michigan and Illinois, claiming to be a new business owner
15 filing claims on behalf of future clients. Confronted with these claims the district courts have
16 found Hurdle's "claims" to be "indisputably meritless and nonsensical". *See*, Order of United
17 States District Judge Michael J. Reagan, United States District Court for the Southern District of
18 Illinois, Exhibit F, p. 2. The district court orders, along with copies of the letters that Hurdle
19 filed in those cases, are attached for the Court's convenience as Exhibits B-G. The letters filed
20 in the Eastern District of Michigan and Southern District of Illinois appeared to be the same as
21 the one Hurdle filed in this case. *See e.g.*, Exhibits B, C, D and E. The courts have either
22 stricken Hurdle's claims (Exhibit E), or in some cases gone further, and found that because
23 Hurdle stated no legal interest in the defendant funds, she thus lacked standing to contest the
24 forfeiture. *See*, Exhibit G

25 In the instant case Hurdle's letter fails as a claim for both procedural and substantive
26 reasons as set forth below.

27
28 ³Hurdle also has failed to file an answer in the case as required by Supplemental Rule
G(5)(b).

II. ARGUMENT

A. Hurdle's Claims Fail to Meet the Requirements of Supplemental Rule 5(a).

Supplemental Rule G(5)(a) provides in pertinent part:

(I) A person who asserts an interest in the defendant property may contest the forfeiture by filing a claim in the court where the action is pending. The claim must:

(A) identify the specific property claimed;

(B) identify the claimant and state the claimant's interest in the property;

© be signed by the claimant under penalty of perjury; and

(D) be served on the government attorney designated under Rule g(4)(a)(ii)© or (b)(ii)(D).

Hurdle's letter fails to meet any of these requirements. First, Hurdle does not identify the property claimed. There is no statement of the amount of the defendant funds she claims or even that she is aware that the property she purports to claim is currency. The only identification of the property is the case number, which she apparently pulled off the internet notice.

Second, she does not identify the claimant and state the claimant's interest in the property. Instead, she lays claim "as a representative on behalf of my future clients". In the second paragraph she states "The property may belong to one of my clients, or anyone else, a member of my family or a friend." Hurdle filed similar letters in other districts. See, Exhibits B, C, D, E, and F. In the Eastern District of Michigan, Judge Robert H. Cleland found that Hurdle's letter identifying herself as "a new business owner" who is "filing this Verified Claim . . . on behalf of my future clients" was merely an offer to represent potential claimants in the forfeiture proceedings. Exhibit B, page 1. He found the letter's designation as a claim was not warranted and ordered that the Clerk of the Court re-docket Hurdle's letter as a "letter of interest" and remove its designation as a § 983 claim. *Id.*

Similarly, Judge Michael J. Reagan, in the Southern District of Illinois, found that Hurdle's letter representing "future clients", was frivolous because "it contains no allegations which could possibly provide any basis for relief." Exhibit F, Order, page 1.

///

1 Third, the letter Hurdle filed with the Clerk's office is not a verified, despite her
2 statement to the contrary. There is no statement that the claim is made under penalty of perjury.
3 And finally, as noted above, Hurdle did not serve the United States. Hurdle's letter does not
4 meet any of the requirements for a valid claim under Supplemental Rule G (5)(a)(I).

5 It is obvious that Hurdle, while surfing the internet, came up with idea of a "unique"
6 business plan. However, as the Courts in the Eastern District of Michigan, the Southern District
7 of Texas and the Southern District of Illinois have found, Hurdle has failed to demonstrate a
8 financial stake in the forfeited property. Accordingly, her letter can not be considered a claim
9 and she lacks standing to contest the forfeiture of the defendant currency..

10 III. CONCLUSION

11 For all the forgoing, the United States respectfully requests a finding that the letter filed
12 by Cherubim Hurdle does not state a claim pursuant to Supplemental G 5(a)(I) and she therefore
13 lacks standing to contest the forfeiture of the defendant funds.

14
15 Dated: July 23, 2008

Respectfully submitted,

16 JOSEPH P. RUSSONIELLO
17 UNITED STATES ATTORNEY

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19 SUSAN B. GRAY
20 Assistant United States Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

- MOTION FOR DETERMINATION THAT CHERUBIM HURDLE HAS FAILED TO STATE A CLAIM TO DEFENDANT \$99,000 IN UNITED STATES CURRENCY OR IN THE ALTERNATIVE, MOTION TO STRIKE

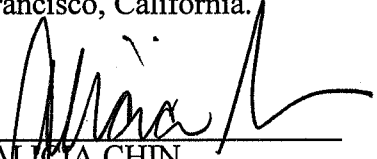
to be served this date via first class mail delivery upon the person(s) below at the place(s) and address(es) which are the last known address(es):

L. Stephen Turer, Esq.
610 Davis Street
Santa Rosa, CA 95401

Cherubim E. Hurdle
151 N. Pleasant Hill Blvd.
Pleasant Hill, IA 56327-7137

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of July, 2008, at San Francisco, California.


ALICIA CHIN
Paralegal/ AFU

Attachment A

Eggshell Dynamics Investigative Services

Cherubim E. Hurdle, Sr. Partner 151 N. Pleasant Hill Blvd. Pleasant Hill, IA 50327-7137 1-515-664-9200

c.hurdle@msn.com

March 17, 2008

Clerk of the Court
 450 Golden Gate Avenue, 16th Floor
 San Francisco, CA 94102
 RE: COURT CASE NUMBER: CV 08-1161 EDL

FILED
MAR 27 2008
RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Dear Clerk of the Court:

Pursuant to 21 U.S.C. § 853(n), 21 USC 881, 18 U.S.C. (or other relevant US Code), see the case number above, I am filing this Verified Claim as a business owner claiming a legal interest in the Defendant Property with the Court, and as a representative on behalf of my future clients, within 60 days from the first day of publication of the Notice and I am aware that an Answer must be filed within 20 days thereafter, to stop the forfeiture of the property to the Federal Government. In your response, please advise me as to what is legally required as an "Answer" and if this document thoroughly covers the "Verified Claim" requirement.

Please provide copies of files on case numbers above, so I may provide a proper answer. The property may belong to one of my clients, or anyone else, a member of my family or a friend. Since all that is in the notice are the bare details, I have no way of knowing this without the actual case file. I also will need an extension of time to file an answer, 60 days in order to allow time for response back from you then to find the owners. If "answer" means proof of ownership, or affidavits from "innocent owners or bystanders" according to the cases of precedent that hold that property taken from those who are innocent of wrongdoing, who did nothing criminal, but as a result of criminal activity their property was taken away from them, it should be returned and not forfeited to any government entity—it is for these people I am filing. I am filing on behalf of those who are not aware of your notice, did not see the notice, are not aware of their rights even if they did see the notice, and for those who will retain my services once I find them and make them aware that the property is in my possession—I am holding it.

I am asking for instructions on civil forfeitures, and to be advised if this letter and the copy of my most recent bank statement on the back of this letter will do to verify my identity and to show my indigent status. In addition, I need to know what is needed for claimants such as me who cannot provide Evidence of ownership of the seized property to prevent forfeiture. I am also requesting that the court make me Receiver, Administrator, Trustee, or whatever is the correct title over these funds and property in order to proceed with investigations to find the proper owners (and ensure none are involved in any criminal or other activity that would cause forfeiture) and to be able to expedite the transferring of funds and property to the rightful owners once located. I used my bank statement because in order to register for the account with them I had to identify myself with my social security number and a government-issued Photo I.D., my driver's license. I cannot get to a Notary due to a disability that limits my ability to travel, whether locally or long distance.

For the record, I charge 50 percent of the total amount to be claimed, and the owner will be made aware of this and sign an agreement form before I proceed with processing the claim for them. Everything will be handled by me, and once the court releases the property and/or funds into my custody, the court will be free of all responsibility for any future claims made on the property and/or funds and will neither be liable, nor able to come back at a later time to retake the property. I am asking for this in writing that this is understood and true and I have the right to request this statement from the court. All documents will be created so that they have to be notarized, assuring the court that no claimant has any attachment to the person committing the crime or has an attachment to the person, but has no criminal connection or prior knowledge of crime before it was committed and I guarantee to put a Legal Notice of my own in the newspaper of highest circulation in the area that the property was seized from in order to give owners the opportunity to come forward. This letter of Verified Claim petition on my part is also my guarantee that I have no foreknowledge of the person or company from whom the property was seized, or of any intent to commit a crime at all, my only knowledge came afterward in that I saw the Legal Notice and responded to it.

Also, I will post the notice with higher visibility than the usual Legal Notice. This notice will be in a section of the paper (that the newspaper organization advises me is most likely to be read) such as a special interest or editorial column. I am a new business owner, disabled and currently living on SSDI, so I do not have the funds to pay any fees. If for some reason you cannot waive all of the fees, please accept this cash payment in the amount of one dollar (I am out of checks) to cover the cost of the fees. It is all I can afford, so I am also requesting that you waive all fees in the filing of this claim. Since the time limit allowed to claim is 60 days, & 20 days to Answer, please rush/expedite your response. Please note that due to the disability I will not be able to make any court appearances and everything will have to be handled using electronic or mail means.

I believe that this is sufficient to serve as a Validated Claim. Please let me know what is needed now as an "Answer" in 60 days or however much more time you can approve for investigation, to allow proper procedure so the court can to release the property to me. I believe that with the court's indulgence to allow me to handle locating the owners of this property seized in this forfeiture, justice will be done and my indigent status will change, and my ability to pay future fees will be increased greatly.

Respectfully,

CE Hurdle
 Cherubim E. Hurdle, Sr. Partner

Copy Served Upon: Asst. US Attorney Susan B. Gray



ACCOUNT ACTIVITY

Account **EGGSHELL DYNAMI *5162**

[View Paper Statements](#) [Check Search](#) [Order Checks](#) [Stop Payment \(checks\)](#)

Posted Balance 03/17/2008: \$803.96 Available Balance as of 03/18/2008: \$803.96 Check Card Icons [View Details](#)

Find Transactions

Date Range:

- OR -

to

Sort By:

Note: You have account history available from: 01/03/2006
To view the last 16 months, go to [View Paper Statements](#)

Transactions for: EGGSHELL DYNAMI *5162

Date	Type	Description	Withdrawals	Deposits	Balance
03/17/2008	Deposit	DEPOSIT		\$325.00	\$803.96
03/12/2008	Purchase	PURCHASE VCI/VITACOST.COM 03/11	\$29.79		\$478.96
03/10/2008	Other	AUTOMATED DEBIT AFLAC INSURANCE	\$39.90		\$509.75
03/05/2008	Check View	CHECK 10150	\$400.00		\$548.65
03/04/2008	Purchase	PURCHASE MCC/MEDIACOM 03/04	\$250.07		\$948.65
03/03/2008	Deposit	AUTOMATED CREDIT US TREASURY 303 SOC SEC		\$984.00	\$1,198.72
02/28/2008	Purchase	PURCHASE VCI/VITACOST.COM 02/27	\$17.64		\$214.72
02/27/2008	Purchase	PURCHASE VCI/VITACOST.COM 02/26	\$112.60		\$232.36
02/26/2008	Purchase	PURCHASE PEOPLEFINDERS.COM 02/26	\$19.95		\$344.66
02/20/2008	Check View	CHECK 10149	\$120.00		\$364.91
02/19/2008	Purchase	PURCHASE PEOPLEFINDERS.COM 02/17	\$19.95		\$484.91
02/12/2008	Deposit	DEPOSIT		\$400.00	\$504.86
02/08/2008	Other	AUTOMATED DEBIT AFLAC INSURANCE	\$39.90		\$104.86
02/06/2008	Check View	CHECK 10142	\$40.00		\$144.76
02/05/2008	Check View	CHECK 10144	\$20.00		\$184.76
02/05/2008	Other	AUTOMATED DEBIT MEDIACOM WEST LA EFT PAYMNT	\$104.75		\$204.76
02/05/2008	Check View	CHECK 10147	\$321.00		\$309.51
02/05/2008	Check View	CHECK 10145	\$400.00		\$630.51
02/01/2008	Deposit	AUTOMATED CREDIT US TREASURY 303 SOC SEC		\$984.00	\$1,030.51
01/23/2008	Check View	CHECK 10146	\$40.00		\$46.51
01/17/2008	Check View	CHECK 10143	\$40.00		\$86.51
01/15/2008	Check View	CHECK 10140	\$100.00		\$126.51
01/11/2008	Check View	CHECK 10141	\$100.00		\$226.51
01/09/2008	Other	AUTOMATED DEBIT MEDIACOM WEST LA EFT PAYMNT	\$93.36		\$326.51
01/09/2008	Check View	CHECK 10138	\$40.00		\$419.89
01/08/2008	Check View	CHECK 10137	\$327.71		\$459.89
01/08/2008	Check View	CHECK 10136	\$400.00		\$757.60
01/07/2008	Other	AUTOMATED DEBIT AFLAC INSURANCE	\$39.90		\$1,187.60
01/03/2008	Deposit	AUTOMATED CREDIT US TREASURY 303 SOC SEC		\$984.00	\$1,227.50

1 - 29 of 29

* Includes transactions that have cleared your account as of the close of the previous business day. See help with this page for more details.
** Transactions that have been authorized but not yet posted are included. See help with this page for more details.

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Attachment B

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES,

Plaintiff,

v.

Case No. 08-CV-10733-DT

FIFTEEN THOUSAND EIGHT HUNDRED FIVE
DOLLARS IN UNITED STATES CURRENCY
(\$15,805.00),

Defendant *in Rem*.

**ORDER FOR THE CLERK OF THE COURT TO RE-DOCKET CHERUBIM
HURDLE'S LETTER [DKT. # 10] AS A LETTER OF INTEREST AND REMOVE
ITS DESIGNATION AS A CLAIM**

Plaintiff United States of America initiated this forfeiture action on February 21, 2008 and Claimants Devon Rice and Alisha Laginess filed a verified claim of ownership on February 28, 2008. On April 2, 2008, a person identified as Cherubim Hurdle filed a letter that has been docketed as a claim of interest. Hurdle does not, however, specify any actual possessory interest she may have in the seized property at issue in this case, as required by 18 U.S.C. § 983. Instead, Hurdle is identified as "a new business owner" who is "filing this Verified Claim . . . on behalf of my future clients." (Hurdle Letter, Dkt. # 10.)

It appears that this letter's current designation as a "claim" in this case is not warranted and that it has been misidentified on the docket. Rather, it appears that Hurdle is merely offering to represent potential claimants in this proceeding, (*id.* ("I am responding on behalf of . . . those who are not aware of your notice, did not see the notice, are not aware of their rights even if they did see the notice.")). Accordingly,

IT IS ORDERED that the Clerk of the Court re-docket Cherubim Hurdle's letter [Dkt. # 10] as a letter of interest and remove its designation as a § 983 "claim."

S/Robert H. Cleland
ROBERT H. CLELAND UNITED STATES
DISTRICT JUDGE

Dated: April 21, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 21, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk (313)
234-5522

Eggshell Dynamics Accounts Auditing Services

Cherubim E. Hurdle, Administrator 151 N. Pleasant Hill Blvd. Pleasant Hill, IA 50327-7137 1-515-664-9200 e.hurdle@eggsd.com



March 17, 2008

Clerk of the Court
231 W. Lafayette
Detroit, MI 48226

RE: COURT CASE NUMBER: 08-10566 / COURT CASE NUMBER: 2:08-CV-10747

COURT CASE NUMBER: 01-80571 / COURT CASE NUMBER: 08-10594

COURT CASE NUMBER: 08-10627 / COURT CASE NUMBER: 08-10627

COURT CASE NUMBER: 08-11122 / COURT CASE NUMBER: 2:08-CV-10733

COURT CASE NUMBER: 2:08-CV-10797

Dear Clerk of the Court:

I am writing as a Petitioner/Administrator. I didn't see a proper Petition form, so please use this in lieu of one, but if you do have one, for future use, please mail one to me. Pursuant to 21 U.S.C. § 853(a), 21 USC 881, 18 U.S.C., 31 USC 5317 (or other relevant US Code), see the case number above, I am filing this Verified Claim as a business owner claiming a legal interest in the Defendant Property with the Court, and representative on behalf of my future clients, within 60 days from the first day of publication of the Notice and I am aware that an Answer must be filed within 20 days thereafter, to stop the forfeiture of the property to the Federal Government.

I am a new business owner (Sr. Partner in a General Partnership), disabled and currently living on SSDI, so I do not have the funds to pay any fees. If for some reason you cannot waive all of the fees, please accept this cash \$1.00 payment in lieu of the normal charges. It is all I can afford, so I am also requesting that you waive all fees in the filing of this claim and send me complete case file copies. Wachovia Bank NA is my bank, and they can verify that I have always had a low balance with no deposits from any of the defendants. Since the time limit allowed to claim is 60 days, & 20 days to Answer, please expedite mail by UPS service. Due to my disability I will not be able to make any court appearances and everything will have to be handled using electronic or mail means, I have a phone and email.

I am responding on behalf of the "innocent owners or bystanders" according to the cases of precedent that hold that property taken from those who are innocent of wrongdoing, who did nothing criminal, but as a result of criminal activity by another their property was taken away from them, it should be returned and not forfeited to any government entity, and on behalf of those who are not aware of your notice, did not see the notice, are not aware of their rights even if they did see the notice, and for those others who once I find them and make them aware that the property is in my possession, am able to transfer property to the rightful owner.

I am also asking for instructions on civil forfeitures, and to be advised what you need to validate this claim. I can fax a copy of my bank statement or a copy of my driver's license. You can phone me at the above number and leave a message. My bank is Wachovia Bank, NA. This is the reason I need to request that someone work diligently with me to help me so I can make this business work and will then have no need of SSDI any longer—become independent. I cannot get to a Notary due to a disability that limits my ability to travel, locally or long distances, so please let the banking information be sufficient. In addition, I need to know what is needed for those claimants who cannot provide "Evidence of Ownership" of the seized property to prevent forfeiture. I am also requesting that the Court make my business the Administrator over this property in order to proceed with the claims process with the "innocent victims" once the property is transferred to me.

For the record, I charge a fee for processing the claim, which includes expenses and sales tax, as well as shipping and handling charges to the customers, depending on the property. I will include more details in my "answer" if my understanding of answer means a detailed explanation of why I sent a Validated Claim. If I am incorrect, explain in your response, which I anticipate must arrive so that I can make the proper answer.

I can create an indemnification document for me to sign to indemnify the court or I can sign one that the court has created, but the reason I mentioned it is to expedite the claims process, such a form can be signed by me, with either a copy of my driver's license or a copy of my bank statement to verify my identity and the signed form will completely hold harmless the US District Court and Clerk of the Court, and all its officers in the event that anyone else places a claim after you have released the property to me. I will be responsible if you will forward their correspondence to me for investigating and resolving any such matters.

Respectfully,

Cherubim E. Hurdle, Administrator
Eggshell Dynamics Accounts Auditing Services

Attachment C

Dbt f !3;19.dw216: 5.CBG.EBT!!!!!!Epdvn f ou7!!!!!!Grhe!160!20119!!!!!!Qbhf !2!pg2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 08-10594
Honorable Bernard A. Friedman

ONE HUNDRED THIRTY TWO THOUSAND
SEVEN DOLLARS AND SEVENTY SIX
CENTS (\$132,007.76) FROM FIFTH THIRD
BANK ACCOUNT NO. 7920257661;

Defendant.

_____ /

ORDER RE-DESIGNATING CLAIM FILED BY CHERUBIM HURDLE

Upon the Ex Parte Motion and Brief for Entry of Order Striking or Re-Designating Claim
Filed By Cherubim E. Hurdle brought by the Plaintiff, United States of America, and the Court
being otherwise fully advised in the premises, now, therefore;

IT IS HEREBY ORDERED that the letter of Cherubim E. Hurdle filed as document
number 3 in this action be re-docketed by the Clerk of the Court as a letter of interest and its
designation as a claim under 18 U.S.C. § 983 be removed.

s/Bernard A. Friedman _____
HONORABLE BERNARD A. FRIEDMAN
United States District Court Judge

Dated: May 1, 2008

I hereby certify that a copy of the foregoing document
was served upon counsel of record by electronic and/or first-class mail.

s/Carol Mullins
Case Manager to Chief Judge Friedman

Eggshell Dynamics Accounts Auditing ServicesCherubim E. Hurdle, Administrator 151 N. Pleasant Hill Blvd. Pleasant Hill, LA 50327-7137 1-515-664-9200 churdle@eggshelldynamics.com

March 17, 2008

Clerk of the Court
231 W. Lafayette
Detroit, MI 48226FILED
APR 02 2008
CLERK'S OFFICE
DETROIT

RE: COURT CASE NUMBER: 08-10566 / COURT CASE NUMBER: 2:08-CV-10747

COURT CASE NUMBER: 01-80571 / COURT CASE NUMBER: 08-10594

COURT CASE NUMBER: 08-10627 / COURT CASE NUMBER: 08-10627

COURT CASE NUMBER: 08-11122 / COURT CASE NUMBER: 2:08-CV-10733

COURT CASE NUMBER: 2:08-CV-10797

Dear Clerk of the Court:

I am writing as a Petitioner/Administrator. I didn't see a proper Petition form, so please use this in lieu of one, but if you do have one, for future use, please mail one to me. Pursuant to 21 U.S.C. § 853(n), 21 USC 881, 18 U.S.C., 31 USC 5317 (or other relevant US Code), see the case number above, I am filing this Verified Claim as a business owner claiming a legal interest in the Defendant Property with the Court, and representative on behalf of my future clients, within 60 days from the first day of publication of the Notice and I am aware that an Answer must be filed within 20 days thereafter, to stop the forfeiture of the property to the Federal Government.

I am a new business owner (Sr. Partner in a General Partnership), disabled and currently living on SSDI, so I do not have the funds to pay any fees. If for some reason you cannot waive all of the fees, please accept this cash \$1.00 payment in lieu of the normal charges. It is all I can afford, so I am also requesting that you waive all fees in the filing of this claim and send me complete case file copies. Wachovia Bank NA is my bank, and they can verify that I have always had a low balance with no deposits from any of the defendants. Since the time limit allowed to claim is 60 days, & 20 days to Answer, please expedite mail by UPS service. Due to my disability I will not be able to make any court appearances and everything will have to be handled using electronic or mail means, I have a phone and email.

I am responding on behalf of the "innocent owners or bystanders" according to the cases of precedent that hold that property taken from those who are innocent of wrongdoing, who did nothing criminal, but as a result of criminal activity by another their property was taken away from them, it should be returned and not forfeited to any government entity, and on behalf of those who are not aware of your notice, did not see the notice, are not aware of their rights even if they did see the notice, and for those others who once I find them and make them aware that the property is in my possession, am able to transfer property to the rightful owner.

I am also asking for instructions on civil forfeitures, and to be advised what you need to validate this claim. I can fax a copy of my bank statement or a copy of my driver's license. You can phone me at the above number and leave a message. My bank is Wachovia Bank, NA. This is the reason I need to request that someone work diligently with me to help me so I can make this business work and will then have no need of SSDI any longer—become independent. I cannot get to a Notary due to a disability that limits my ability to travel, locally or long distances, so please let the banking information be sufficient. In addition, I need to know what is needed for those claimants who cannot provide "Evidence of Ownership" of the seized property to prevent forfeiture. I am also requesting that the Court make my business the Administrator over this property in order to proceed with the claims process with the "innocent victims" once the property is transferred to me.

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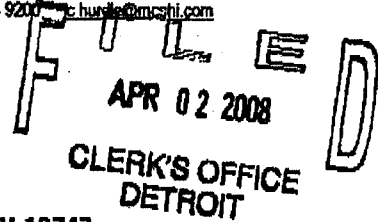
Respectfully,

Cherubim E. Hurdle, Administrator
Eggshell Dynamics Accounts Auditing Services

Attachment D

Eggshell Dynamics Accounts Auditing ServicesCherubim E. Hurdle, Administrator 151 N. Pleasant Hill Blvd. Pleasant Hill, IA 50327-7137 1-515-664-9200 churdle@eggshelldynamics.com

March 17, 2008

Clerk of the Court
231 W. Lafayette
Detroit, MI 48226

RE: COURT CASE NUMBER: 08-10566 / COURT CASE NUMBER: 2:08-CV-10747
 COURT CASE NUMBER: 01-80571 / COURT CASE NUMBER: 08-10594
 COURT CASE NUMBER: 08-10627 / COURT CASE NUMBER: 08-10627
 COURT CASE NUMBER: 08-11122 / COURT CASE NUMBER: 2:08-CV-10733
 COURT CASE NUMBER: 2:08-CV-10797

Dear Clerk of the Court:

I am writing as a Petitioner/Administrator. I didn't see a proper Petition form, so please use this in lieu of one, but if you do have one, for future use, please mail one to me. Pursuant to 21 U.S.C. § 853(n), 21 USC 881, 18 U.S.C., 31 USC 5317 (or other relevant US Code), see the case number above, I am filing this Verified Claim as a business owner claiming a legal interest in the Defendant Property with the Court, and representative on behalf of my future clients, within 60 days from the first day of publication of the Notice and I am aware that an Answer must be filed within 20 days thereafter, to stop the forfeiture of the property to the Federal Government.

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Respectfully,

Cherubim E. Hurdle
 Cherubim E. Hurdle, Administrator
 Eggshell Dynamics Accounts Auditing Services

Attachment E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 08-11122

vs.

HON. GEORGE CARAM STEEH

ONE HUNDRED THREE THOUSAND
THREE HUNDRED FORTY-FIVE
DOLLARS IN UNITED STATES
CURRENCY (\$103,345.00),

Defendant.

ORDER STRIKING CLAIM FILED BY CHERUBIM E. HURDLE [DOC. 10]

On April 2, 2008 non-party Cherubim E. Hurdle filed a purported claim in this action. According to her filing, Ms. Hurdle contends that she is filing a claim in this case in a representative capacity on behalf of "future clients." Ms. Hurdle herself is not a party and she does not have any financial stake in the forfeited property. As such, Ms. Hurdle lacks standing to participate in this case. The Court hereby, *sua sponte*, strikes Ms. Hurdle's "claim" filed as document number 10 in this action.

It is so ordered.

Dated: April 22, 2008

S/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
April 22, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk

Eggshell Dynamics Accounts Auditing ServicesCherubim E. Hurdle, Administrator 151 N. Pleasant Hill Blvd. Pleasant Hill, LA 50327-7137 1-515-664-8200 c.hurdle@mcshi.com

March 17, 2008

Clerk of the Court
231 W. Lafayette
Detroit, MI 48226FILED
APR 02 2008
CLERK'S OFFICE
DETROIT

RE: COURT CASE NUMBER: 08-10566 / COURT CASE NUMBER: 2:08-CV-10747

COURT CASE NUMBER: 01-80571 / COURT CASE NUMBER: 08-10594

COURT CASE NUMBER: 08-10627 / COURT CASE NUMBER: 08-10627

COURT CASE NUMBER: 08-11122 / COURT CASE NUMBER: 2:08-CV-10733

COURT CASE NUMBER: 2:08-CV-10797

Dear Clerk of the Court:

I am writing as a Petitioner/Administrator. I didn't see a proper Petition form, so please use this in lieu of one, but if you do have one, for future use, please mail one to me. Pursuant to 21 U.S.C. § 853(a), 21 USC 881, 18 U.S.C., 31 USC 5317 (or other relevant US Code), see the case number above, I am filing this Verified Claim as a business owner claiming a legal interest in the Defendant Property with the Court, and representative on behalf of my future clients, within 60 days from the first day of publication of the Notice and I am aware that an Answer must be filed within 20 days thereafter, to stop the forfeiture of the property to the Federal Government.

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Respectfully,

Cherubim E. Hurdle, Administrator
Eggshell Dynamics Accounts Auditing Services

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 07-CR-30022-MJR
)	
MARK A. HALL,)	
)	
Defendant.)	

ORDER

REAGAN, District Judge:

On March 31, 2008, Cherubim E. Hurdle, Interested Party, filed a letter, which the Court construed as a motion to file a claim. Therein, Hurdle indicated that she was “filing this Verified Claim as a business owner claiming a legal interest” in the real property regarding which the Government has filed a notice of forfeiture in this action. She requests that her business, Eggshell Dynamics Accounts Auditing Services, be made administrator over the property in order to proceed with the claims process on behalf of her “future clients.”

On April 2, 2008, the Court set a hearing on the motion for April 18, 2008. The Court warned Hurdle that failure to appear at the April 18th hearing would result in denial of the motion with prejudice. Assistant United States Attorney Thompson appeared for the hearing, but Hurdle failed to appear.

First, Hurdle’s claim is frivolous because it contains no allegations which could possibly provide any basis for relief. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (“A claim is legally frivolous when it lacks an arguable basis either in law or in fact”). Her contention that the property at issue should be transferred to her so that she can hold it until “innocent owners or

bystanders” can be located by her is indisputably meritless and nonsensical.

Second, the Court ordered Hurdle to appear for a hearing and warned her that her motion would be denied with prejudice if she failed to appear for the duly-noticed hearing. Nonetheless, she failed to comply with the Court’s Order and did not appear.

For these reasons, the Court **DENIES with prejudice** Hurdle’s motion to file a claim (Doc. 68).

IT IS SO ORDERED.

DATED this 2nd day of May, 2008

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge

Eggshell Dynamics Accounts Auditing Services

Cherubim E. Hurdle, Claims Services Administrator 151 N. Pleasant Hill Blvd.

Pleasant Hill, IA 50327-7137 1-515-664-9200

c.hurdle@mcshi.com



March 17, 2008

Clerk of the Court
750 Missouri Avenue
East St. Louis, IL 62201

RE: COURT CASE NUMBER: 07-CR-30022-MJR

Dear Clerk of the Court:

I am writing as a Petitioner/Administrator. I didn't see a proper Petition form, so please use this in lieu of one, but if you do have one, for future use, please mail one to me. Pursuant to 21 U.S.C. § 853(n), 21 USC 881, 18 U.S.C., 31 USC 5317 (or other relevant US Code), see the case number above, I am filing this Verified Claim as a business owner claiming a legal interest in the Defendant Property with the Court, and representative on behalf of my future clients, within 60 days from the first day of publication of the Notice and I am aware that an Answer must be filed within 20 days thereafter, to stop the forfeiture of the property to the Federal Government.

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Respectfully,

Cherubim E. Hurdle, Administrator
Eggshell Dynamics Accounts Auditing Services

Wachovia Online Services | Account Activity

Page 1 of 1,

**WACHOVIA****ACCOUNT ACTIVITY**Account **EGGSHELL DYNAMI *5162** [View Paper Statements](#) [Check Search](#) [Order Checks](#) [Show Payment \(checks\)](#)Posted Balance 03/28/2008 : \$888.01 * Available Balance as of 03/29/2008 : \$452.02 ** Check Card Holds ¹ [View Details](#)

Find Transactions

Date Range:

- OR -

to Sort By: Note: You have up to 90 days of account history available.
To view the last 16 months, go to [View Paper Statements](#)

Transactions for: EGG SHELL DYNAMI *5162

Date	Type	Description	Withdrawals	Deposits	Balance
03/28/2008	Deposit	REFUND VCI*VITACOST.COM 03/27			
03/28/2008	Deposit	REFUND VCI*VITACOST.COM 03/27		\$18.78	\$888.01
03/26/2008	Other	AUTOMATED DEBIT DELUXE BUS SYS. BUS PRODS		\$24.80	\$849.25
03/26/2008	Purchase	PURCHASE VCI*VITACOST.COM 03/25	\$58.09		\$624.45
03/17/2008	Deposit	DEPOSIT	\$113.42		\$690.54
03/12/2008	Purchase	PURCHASE VCI*VITACOST.COM 03/11		\$325.00	\$803.96
03/10/2008	Other	AUTOMATED DEBIT AFLAC INSURANCE	\$29.79		\$478.96
03/05/2008	Check View	CHECK 10150	\$39.90		\$508.75
03/04/2008	Purchase	PURCHASE MCC*MEDIACOM 03/04	\$400.00		\$548.65
03/03/2008	Deposit	AUTOMATED CREDIT US TREASURY 303 SOC SEC	\$250.07		\$848.65
02/28/2008	Purchase	PURCHASE VCI*VITACOST.COM 02/27		\$984.00	\$1,196.72
02/27/2008	Purchase	PURCHASE VCI*VITACOST.COM 02/26	\$17.84		\$214.72
02/26/2008	Purchase	PURCHASE PEOPLEFINDERS.COM 02/25	\$112.60		\$232.36
02/20/2008	Check View	CHECK 10149	\$19.95		\$344.96
02/19/2008	Purchase	PURCHASE PEOPLEFINDERS.COM 02/17	\$120.00		\$364.91
02/12/2008	Deposit	DEPOSIT	\$19.95		\$484.91
02/08/2008	Other	AUTOMATED DEBIT AFLAC INSURANCE		\$400.00	\$504.88
02/06/2008	Check View	CHECK 10142	\$39.90		\$104.88
02/06/2008	Check View	CHECK 10144	\$40.00		\$144.78
02/05/2008	Other	AUTOMATED DEBIT MEDIACOM WEST IA EFT PAYMNT	\$20.00		\$184.76
02/05/2008	Check View	CHECK 10147	\$104.75		\$204.76
02/05/2008	Check View	CHECK 10145	\$321.00		\$309.51
02/01/2008	Deposit	AUTOMATED CREDIT US TREASURY 303 SOC SEC	\$400.00		\$530.51
				\$984.00	\$1,030.51

1 - 23 of 23

* Includes transactions that have cleared your account as of the close of the previous business day. See help with this page for more details.
** Transactions that have been authorized but not yet posted are included. See help with this page for more details.[Customer Agreement](#) [Privacy](#) [Security](#) [Legal](#)
© 2008 Wachovia Corporation. All rights reserved.**RECEIVED****MAR 31 2008**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

Case 2:08-cv-10566-BAF-DAS Document 6 Filed 04/02/2008 Page 1 of 1

Eggshell Dynamics Accounts Auditing ServicesCherubim E. Hurdle, Administrator 151 N. Pleasant Hill Blvd. Pleasant Hill, IA 50327-7137 1-515-664-9200 churdle@eggshl.com

March 17, 2008

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231 W. Lafayette
Detroit, MI 48226FILED
APR 02 2008
CLERK'S OFFICE
DETROIT

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COURT CASE NUMBER: 01-80571 / COURT CASE NUMBER: 08-10594
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Respectfully,

Cherubim E. Hurdle, Administrator
Eggshell Dynamics Accounts Auditing Services

Attachment G

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: NINE UNRELATED NON-
JUDICIAL CIVIL ASSET
FORFEITURE PROCEEDINGS

§
§
§
§
§
§
§
§

No. 4:07-mc-0715

ORDER

Pending before the Court is the United States' Motion for Determination that Cherubim Hurdle Has No Legal Interest In Money Subject to Nine Unrelated Agency Forfeiture Proceedings (Doc. No. 4). After considering the relevant law and entertaining arguments at a hearing on the pending motion, the Court finds that Defendant's motion should be **GRANTED**.

The Court finds that Cherubim Hurdle lacks standing to contest the forfeiture of the nine unrelated agency forfeiture proceedings, agency numbers: 2007-2104-000015-01; 2007-2104-000030-01; 2007-5301-000126-01; 2007-5301-000159-01; 2007-5301-000215-01; 2007-5309-000193-01; 2007-2104-000005-01; 2007-2104-000038-01; and 2007-5310-000008-01.

For the reasons stated at the hearing on the pending motion, the Court also cautions Ms. Hurdle against filing this claim in other forfeiture proceedings.

IT IS SO ORDERED.

SIGNED this 5th day of May, 2008.


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

February 14, 2008

Cherubim E. Hurdle
151 N. Pleasant Hill Blvd.
Pleasant Hill, IA 50327-7137

United States Department of Justice
Attn.: Clerk of Court
515 Rusk Avenue
Houston, TX 77002
RE: Case # 4:07-mc-00715
Attorney: Donald J. DeGabrielle, Jr.
Total Value of Claim I will make all total: \$2,599,999.95

United States Courts
Southern District of Texas
FILED

FEB 19 2008

Michael N. Milby, Clerk of Court

Dear HOUSTON JUDGE:

I did not write to you before as I was ill, I was sick in July and August of 2007 and was still recovering. Since no information came with the papers the attorneys sent, I was also trying to figure out what my rights were, not because I had nothing to say. I disagree entirely with the Legal Pleading of the lawyers handling this case Mr. DeGabrielle, Jr. I am not only asking that you grant approval to stop the forfeiture and return this money back to me without future contest, but that you also advise Officer Sanders or whomever else in the Houston, Texas area seizes future funds that are from criminal activity to relinquish the money to me either with my having to send future requests or upon notification from them that there has been another currency seizure, that I send in the proper forms and the money is released-- until I reach the sum of \$2,599,999.95. That they do not refuse me and that they release those funds back to me with a letter saying they will not contest the release to them or any other government agency--of the money in the future that they have given back to me. These lawyers know that no one else or will claim this money.

These lawyers have written that it is because it is connected to criminal activity and that the criminals that it is seized from at the US Customs owned it. THEY HAVE WRITTEN THAT THERE IS NO OTHER CLAIMANT FOR THE FUNDS, WHATSOEVER. They say they are nine unrelated claims, but that further proves my point. In order to reap the benefits of the money they would have to split it up and use it slowly, why would thieves steal the money and then bandy it all about in one lump sum everywhere? They would have to split it up into smaller manageable sums to make it disappear and reappear after laundering it. Another fact proving that even though all are nine different claims, they are all mine. And for that reason, it is absolutely mine; these lawyers have agreed by their own words, all these nine unclaimed currency items are mine. It also sounds to me like they are saying that other races known for hoarding their cash (CHINESE, SPANISH, IMMIGRANTS OF ALL RACES) have the freedom to collect funds for their future from their relatives, be frugal for generations saving their money for the future and because I am a woman, African American and I cannot do this, they are violating my right to collect cash and retrieve it when it is stolen.

These lawyers have told you in their first request for an extension that I did not report the theft to the police. They lied. My letter of explanation said that I did report it, but they took it as a prank call and refused to file a report. It is exactly what is happening now with these lawyers and that US Customs Officer Sanders. I remember when I first spoke to him, I believe it was after I faxed the request the first time, he spoke to me as if I were a criminal, obviously trying to frighten me away, I can see that some of these officers hands have been in the Til; otherwise why would he be so belligerent when he did not even know me from anyone else? I sent another request to Stop Forfeiture for another notice I saw in the Houston Chronicle online in January 2008, and he ignored me. I asked that I be notified whenever any other Seizures take place of currency and he has ignored me. Should this case not be resolved and my property returned, US Customs and Officer Sanders will be the subjects of an Administrative Tort Claim in the amount of double my claim amount \$6,000,000.00 (I will include charges of racism and discrimination), pursuant to the Federal Tort Claims Act.

When this tragic event happened to me, I tried more than one Police Station in the area and nearby, but they said things like "we need receipts", "we have more important things to attend to", "you had money in a bag inside a trunk?...if it had been in a safe box we might have been able to help you, but, since there was no record of the serial numbers we cannot help you, no bank receipts, we have nothing to go on", "we suggest you do not bother us again or we will put you in jail for this." These lawyers have obviously checked my record, pulled a police record and everything, does my history look like I get thrills from taking on the Police and filing hoax threats with the Police for kicks, or filing with US Customs and fighting the donkey that is the government? You are familiar with the Latin for the term "To be silent is to consent"? I am not silent I do not consent to the government keeping my money and I do not agree with these lawyers assessment of the situation.

As I said in my previous letter when that money was stolen, I tried to report it, but the police brushed me off, just as the US Customs did, as these lawyers are doing. It is the same situation as if someone had money stolen from a bank or a home safe box and tried to report the money was stolen. What proof does the home safe box have that the money was ever there? No one ever keeps records on cash because presumably no one else needs to know the balance, it is free and clear money and there are no liens on it, money given to anyone up to several years ago were gifts and not taxable by law. I informed Officer Sanders in my request that these were years of gifts to my mother and from her scrimping, saving and eating out of trash cans, and eating spoiled food--she never discarded ANYTHING and that family members were much older than myself, some were American Indian, and some African American, and some of Caucasian descent, so you see these lawyers and you have made your decisions on what my race says, not on my bloodlines, this money in the Legal Notice was ownerless goods and now I have claimed it. The federal law of ownerless goods is this: if no one claims it within the time allowed of it turning up and upon

Legal Notice of its existence, then it shall be the governments. There is nothing that says that a person (individual citizen or company) who claims it then has to go to court to prove they own it, when no one else makes a claim other than the government, unless this is a sovereign nation, the individual's claim supercedes the government's claim. The common law rules are it's the government's ONLY when no one else claims it, they are the tie breaker so to speak.

No, first of all my claim is not frivolous and I take offense at your "cautioning not to make use of my inalienable right to own property to make future claims of the US Customs in Houston, Texas". Secondly these lawyers based their assumption that the property was not mine on things that do not affect the fact of it being mine or not—my race, gender and history of slavery, and the fact that they used the information I provided to Officer Sanders with a copy of my bank account showing my impoverished situation to form a legal "opinion" that I could *never* have owned anything, they have slapped this judgment on my entire deceased family—some born in the 1800's and have assumed that we all were black.

Though there is written fact of "mulattos" in the Federal Census and we know it's because of "Caucasians" forcing themselves on African women during the time of slavery, yet I am black and could not own that much money. The Federal Census every ten years shows the migration of individuals and of families from the south to the north (an industrialized area) and the growth of the economy from the 1800's to the 1900's to the 21st Century and yet, with all the changes in taxation (there was a time when there was no income tax, we have only been taxed since the 1930's or 1940's) and yet these lawyers and yourself want me to just lay down and die and be frightened into saying "Oh no, massa suh, that ain't my money." You are mistaken and that will never happen.

Even if I were lying and it were not mine (which I am not and it is), I have the right to claim it ahead of any Federal Agency, even the US Treasury Department which seizes countless peoples' property daily and gobbles up anyone's extra cash in the form of more and more taxes, especially when my record shows I am an honest citizen without ever having had a criminal record and not only Officer Sanders, but these lawyers for the US Government have stated the money was the results of criminal activity and I said my money was stolen when I lived in the Houston, TX area. It is a well-known fact that all money from criminal activity has to be laundered until it is untraceable and then resurfaced back into the main consumer and business stream. It has been nearly nine years since that money was taken, how can you tell me that it is not my money since it was taken at the seat of the US Customs in the very land it from stolen from?

I also venture to say, they based their opinion on the fact that it is well known that mostly Caucasians ever have that much cash on hand and that mostly Chinese, Spanish, and other races of immigrants stick together to collect that much cash in order to save over generations millions of dollars to leave their countries and go into business. Just because the race is different and the century is different does not mean that I am not telling the truth. I am also a virgin at the age of forty-six, I know it is the truth, but according to national consensus most women at my age have lost their virginity either in marriage or in premarital relations, or as a victim of incest and yet the fact that I am a virgin is entirely true and because of my righteous life, known and believed by my mother and sister who passed away and by my family still living.

When I make this claim, do you defame my character by saying no she cannot be because most Caucasian, Spanish, and Chinese and other black girls and boys are promiscuous and cannot keep their virginity past their teenage years? I am in all points an exceptional person. A Christian since my youth, a frugal person, law-abiding, my record is spotless my entire life, not even a driving infraction and yet these lawyers have taken my personal information, my race, age, current financial lack and put a label on me that I am not capable of having been and being part of a family that has business acumen, sense enough to avoid salesman traps, and know about how to live on the cheap so that every precious dollar that came into our hands for years very rarely got spent.

Knowing how to use the trash people throw away to live and how to live cramped in living quarters for years to save money rather than throw it away on several places paying extra rent, utilities and trash collection fees. Basically I have been judged on my race, if a Caucasian said money was stolen from the safe deposit box in a bank, you would believe them, if they or a Chinese man said it was stolen from a safe box kept in his home you would believe him. The only difference here is my race and gender.

You expect African-Americans to be unable to get money in the first place, then unable to save it. And you also know that the majority of the money in the United States is owned by men, it is for the simple reason that women in the 1800's just got the right to own property and in the 1900's the right to vote. And you know that Black people were slaves in this country until the Emancipation Proclamations that freed the slaves made by President Abraham Lincoln on January 1, 1863. You say to me no that is not true it is based on the fact that you had no receipts for the cash to show you ever had it. You say to me, no I would say to give you the money if you were: 1) of a different race known for saving money, 2) of a different age, perhaps maybe eighty years old 3) your bank account showed that you had that much money and therefore could have lost that much money 4) you were a man instead of a woman, say the head of a major corporation 5) you had someone to collaborate what you have said. But, you as a Judge know there are exceptions to every rule. I and my family are that exception. Why? We live in a free society that every foreign man and women struggles to get immigrated to this nation. But, the past decisions made in these cases have proven that no matter what is said or done, each judge has refused to pay the money to the claimant, so then, you have made a judgment not on what I am, or what proof I could provide, the entire case is built on prejudice and malice aforethought in that the lawyers and yourself have made your decision on the decision to gain funds for the United States Treasury. Read the below excerpt from the National Records Archives Administration file:

Preliminary Emancipation Proclamation, 1862

"... on the first day of January ... all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free." President Abraham Lincoln, preliminary Emancipation Proclamation, September 22, 1862

The bottom line, if you decide against freeing my money to me, you are saying that I am in rebellion against the United States and that I am not free to own property under the above Proclamation and that you are enslaving me again, not just me, but posthumously all of the people who trusted in that Emancipation Proclamation that they were free and that the US cannot go back on the word of a President of the United States, no matter what Judge is sitting in judgment that Proclamation for freedom of my race shall stand forever. I and my property cannot be owned by anyone, but me. And, if you deny me the right to have that property returned to me, you are denying me my National rights, that is not negotiable, those are mine and have belonged to me long before there was such a thing as the Treasury Department.

That currency has been denied of ownership by any other human being, of any race, or any corporate entity and yet Officer Sanders, these lawyers and you Judge have said no to me reclaiming my property. I spoke out in the note and told you that I had that money in my home. And yet when someone says they have a fancy built-in safe box in their home and someone broke in and stole their cash they are taken seriously. Yet when I say because it is a smaller, less glamorous home, and because you know from my information that I am in a race that came here as slaves (which I assume these lawyers and yourself believe that in over 200 years we cannot have made enough strides to have that much cash saved) and a makeshift safe box instead of a purchased or one built-in to a home, say no to me you are saying that you have authority above and beyond what this country was founded upon. What the founding fathers wrote in the Declaration of Independence:

The Declaration of Independence: A Transcription

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us;

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States;

For cutting off our Trade with all parts of the world;

For imposing Taxes on us without our Consent;

For depriving us in many cases, of the benefits of Trial by Jury;

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies;

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated.

Column 1

Georgia:
Buttyn Gwinnett
Lynnan Hull
George Walton

Column 2

North Carolina:
William Hooper
Joseph Hewes
John Penn
South Carolina:
Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

Column 3

Massachusetts:
John Hancock
Maryland:
Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton
Virginia:
George Wythe
Richard Henry Lee
Thomas Jefferson

Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

Column 4

Pennsylvania:
Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor
James Wilson
George Ross

Delaware:

Caesar Rodney
George Read
Thomas McKean

Column 5

New York:
William Floyd
Philip Livingston
Francis Lewis
Lewis Morris
New Jersey:
Richard Stockton

John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

Column 6

New Hampshire:
Josiah Bartlett
William Whipple
Massachusetts:
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry
Rhode Island:
Stephen Hopkins
William Ellery
Connecticut:
Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott
New Hampshire:
Matthew Thornton

There are fifty-six people who posthumously agree that the property is mine. And President Lincoln posthumously agrees that I am not a slave, forced to be silent when I disagree with the treatment of me. Forced to be impoverished and that the Federal Government should not take the side of a political entity over that of one of its citizens, a woman, without funds, so that it can further enrich its coffers, just as the British Empire once did, enslaving people so badly and forcing them to behave a certain way, so that they just had to leave the country. Is that what is happening here are these lawyers trying to force me to leave the country per se in taking my hope for the future, taking away my legacy created for me by the blood, sweat and tears of countless deceased family members, taking away my rights? Just as a slave owner who took all of the labor, the fruit of their hands, the fruit of their bodies and offered nothing in return, if these lawyers are allowed to Forfeit these currencies to the US Treasury and if I am not allowed to claim and stop Forfeitures of all future currencies until the amount taken \$2,599,999.95 is reached, without future cases in court (and without Officer Sanders ignoring my requests for information before the Legal Notices of Forfeiture are printed and to eliminate the future notices until I get all of my money retrieved), released to me without any further government contest, then the Emancipation Proclamation has been violated, the Declaration of Independence and the Bill of Rights and the Constitution has been violated and I am again enslaved and without freedom and the needs of the nation have been placed ahead of the rights of a single individual myself.

According to the law, I am entitled ahead of the government to claim the funds because of the fact that the citizens of the USA make up the US and without us there is no government. If you deny me the right to claim this property and take it to be forfeited the US Treasury or any other department, then my rights have been violated the right to LIFE, Liberty and the Pursuit of Happiness. Also, my right to own property has been denied me. You have said, in scorn it seems that my request is "frivolous" and that I am cautioned against even making a request in future to stop forfeitures to recover my money or I will be "sanctioned", which I assume means something of a threatening nature to my liberty to file more claims. Until this point in time I have been a loyal United States citizen, tax-paying, never requiring anything much of the federal government, now I want to make use of the rights that the paying of taxes affords me. The US IRS service has the right to make seizures to recover the delinquent tax money owed to them, but yet you the judge for right, threaten to sanction me to prevent me from making future claims. That sounds too much like the Boston Tea Party, the American Revolution, the Civil War, all over again. It sounds like you are trying to take away my right to free speech, whether on paper or verbally.

What these lawyers are trying to do and you Sir Judge if you agree with them to allow the Forfeiture of my property is the same thing the king did to his subjects, see this excerpt from the NARA website:

"As English men and women, the American colonists were heirs to the thirteenth-century English document, the Magna Carta, which established the principles that no one is above the law (not even the King), and that no one can take away certain rights. So in 1763, when the King began to assert his authority over the colonies to make them share the cost of the Seven Years' War England had just fought and won, the English colonists protested by invoking their rights as free men and loyal subjects. It was only after a decade of repeated efforts on the part of the colonists to defend their rights that they resorted to armed conflict and, eventually, to the unthinkable—separation from the motherland."

You cannot force me to share the cost of running this country above the taxes that I already paid into it when I was able-bodied and able to walk and work. Now that I am disabled and struggling with my health and I want the government's assistance in getting my property returned, they not only go to court against me, but say I am making a "frivolous" claim, threaten to "sanction" me and allow these lawyers to delay for ninety more days (90) as if they and you were blind and deaf to the fact that I could not even pay for a bond! And a delay would cause even more hardship and stress.

Releasing this money would not cause a hardship on the Treasury Department; it is nothing to them, but everything to me. No one even asked me if I wanted the cases filed separately, nothing was said to me to allow me to prevent the time extension. Is the door closed to public input now or do Americans still have rights to their own futures? I ask you judge to release this money and any future up to and including the total amount I said. In fact, if you have the authority, I ask that you go back to the US Treasury and retrieve of all of the money forfeited over the past years the total of \$2,599,999.95 and that will solve the problem of me having to put in more claims. Please settle this case for me now, once and for all and put in a request as a one time settlement of all of my money at exactly my total \$2,599,999.95. Because not releasing it would cause an unendurable hardship that was forced on me by the theft, causing the subsequent death of my sister Thalys Hurdle and the lack of which has caused us to have to continue in a poverty that should never have been had certain of this country's ancestors not taken our people as slaves from Africa. I have no choice but to remain in America and my motherland is Africa; however, I am an engrafted branch into this country, forced as my ancestors were to be here, and yet I am still entitled to the same rights as anyone of the original English settlers families and any other race of immigrants, Chinese, Spanish, Polish, whomever, I have a right to claim and own property ahead of the Federal Government as they do.

I searched the federal database and found several cases regarding forfeitures of currency to the United States Treasury Department. In every case of forfeiture there were similarities, they were all currency seized at by the US Customs and Border Patrol and the government got the money. When a United States Judge, such as you makes a decision for the good of a Federal Department of the nation ahead of an individual, then the nation can flourish. When they make it for the government always, then the nation is enslaved and dies, just as it almost did before the Day of Independence, occurring on July 4th, 1776, but now honored every year.

In closure Judge I ask that you refuse these lawyers request to continue with the forfeiture of the property and in this mailed to your office I invoke my rights, rights to life, liberty, and the pursuit of happiness. Right to own property ahead of the Federal Government, as the Declaration of Independence says "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, —That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world."

My rights as an individual must come ahead of the government; my claim comes ahead of the government so says the Declaration of Independence. And the government's only reason for being is to ensure those rights of the individual, not of the government entity itself. And at the point where it does not do its job, it must be questioned, it must be abolished. The authority of the Treasury comes from the governed (in this case that is me, (and I do not give it consent to take my money). Should not my request be granted, I will take advantage of the FTCA to submit these facts to a

candid world in first a federal tort claim, then a federal claims case in court and let the world know that the Treasury Department and perhaps other departments are overstepping their bounds in the performance of their duties and stepping on the territory and the toes and stealing the private property of its citizens.

Lastly your honor, I believe that this case has been dealt with shoddily in that they know my race, and gender, and current financial status and their case is built on assumptions and prejudices which the US Federal laws of equality in all matters protect me against. And their case should be dismissed and the funds released to me. They did not even give me signed papers, showing their signatures, there is no information on how to rebuttal, there is no judge's name on the paper and when I telephone your court's offices all they could say was just write a note saying why the attorneys are wrong and giving your opinion on the matter. The Attorneys took their time celebrating the Thanksgiving, Christmas and New Year's Holidays (the form to you is dated December 31, 2007) and I got in the second week in January of 2008 and then had the nerve (when they already had ninety days to respond, to ask for ninety more, and Judge forgive my pertinence, both you and the attorneys knew that I could not even afford a bond, yet you went ahead and approved an extension of time for them to file. What does that say about the justice system? There is no way to say the system is set up to be just considering the past record of how many cases of Judicial Forfeiture have resulted in the US Treasury ending up with seized currency. Your response and justice is required in this matter. Thank you Your Honor.

Sincerely,



Cheubim E. Hurdle

cc: Attorney DeGabrielle, Jr.
Attn.: Susan Kemperer, Asst. US Attorney
P.O.Box 61129
Houston, TX 77028

Cherubin Huale
151 N. Pleasant Hill Blvd.
Pleasant Hill, IA 50327-7137

United States Courts
Southern District of Texas
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FEB 19 2008
Michael M. Milby, Clerk of Court

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"LET US DARE TO
THINK, SPEAK AND
JOHN ADAMS, 1768
POWERSHALL
USA FIRST CLASS FOREVER

United States Deputy Justice
Ath. Clerk of the Court
315 Rusk Avenue
Houston, TX 77002

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

- MOTION FOR DETERMINATION THAT CHERUBIM HURDLE HAS FAILED TO STATE A CLAIM TO DEFENDANT \$99,000 IN UNITED STATES CURRENCY OR IN THE ALTERNATIVE, MOTION TO STRIKE

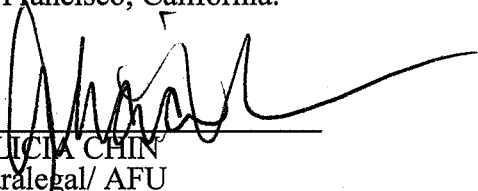
to be served this date via first class mail delivery upon the person(s) below at the place(s) and address(es) which are the last known address(es):

L. Stephen Turer, Esq.
610 Davis Street
Santa Rosa, CA 95401

Cherubim E. Hurdle
151 N. Pleasant Hill Blvd.
Pleasant Hill, IA 56327-7137

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of July, 2008, at San Francisco, California.


ALICIA CHIN
Paralegal/ AFU